
Dispute Resolution

What if I disagree with decisions made by the Section 504 team?

Start by discussing your concerns with your child's counselor.

If the dispute remains unresolved at the school level, other dispute resolution options are:

- The district's Section 504 grievance procedure can be found <https://www.d49.org/grievance>
- Due process hearing process.
- Office of Civil Rights complaint.
- Federal Court.

For more detailed information or assistance, contact your school's counselor or contact the District 49 §504 Coordinator:

Dr. Nancy Lemmond,
Executive Director
Individualized Education
Section 504 Coordinator
District 49
10850 E. Woodmen Road
Peyton, CO 80831
719.495.1100
www.d49.org/Page/7366
nancy.lemmond@d49.org

The Office for Civil Rights:

U.S. Department of Education
Office for Civil Rights
Cesar E. Chavez Memorial Building
1224 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: 303-844-5695
FAX: 303-844-4303
Email: OCR.Denver@ed.gov



Parent Information Section 504 Rehabilitation Act of 1973

District 49 Central Office, 10850 E. Woodmen Road, Peyton, CO 80831

Peter Hiltz – Superintendent

District 49 does not discriminate on the basis of race, color, religion, creed, national origin, sex, sexual orientation, disability, or age in its programs, activities, operations and employment decisions.

The following person has been designated to handle inquiries regarding the non-discrimination policies related to Section 504:

Dr. Nancy Lemmond –
Executive Director of Individualized Education

Section 504 Q & A

What is Section 504?

Section 504 of the Rehabilitation Act of 1973 ("Section 504") is a civil rights statute that protects persons with disabilities from discrimination. It states that:

"No otherwise qualified individual with a disability shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

The Americans with Disabilities Act ("ADA") contains similar prohibitions against discrimination.

Under Section 504, school districts are required to make their programs and activities (including non-academic and extracurricular programs and activities) accessible to all individuals with disabilities and to provide students with disabilities a free, appropriate public education ("FAPE"). A FAPE includes the provision of regular or special education, related aids and services, and other accommodations designed to meet the individual educational needs of the student.

Please note that Section 504 applies to all students with disabilities – including those students eligible for services under the Individuals with Disabilities Education Act ("IDEA"). This pamphlet focuses on the process associated with identifying, evaluating, and serving the "Section 504-only student."

Who is a student with a disability?

A student has a "disability" under Section 504 if he/she (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a "record of" such an impairment; or (3) is "regarded as" having such an impairment.

Major Life Activities include such things as: seeing, hearing, sleeping, walking, standing, lifting, bending, speaking, working, breathing, learning, reading, communicating, thinking, concentrating, caring for oneself and performing manual tasks. The operation of major bodily functions (e.g., the immune system, cell growth, digestive, bowel, bladder, respiratory, circulatory, endocrine, neurological, brain, and reproductive functioning) also count as major life activities. Please note that this list of major life activities is not exhaustive.

Substantial Limitation is not specifically defined by Section 504. The basis for evaluating this criterion is the impact the impairment has on one or more of a student's major life activities. A substantial limitation means that the student is unable to perform a major life activity that the average person (typical peer) in the general population can perform or is substantially limited in the condition, manner, or duration under which the student can perform the major life activity at issue.

Section 504 of the 1973 Rehabilitation Act prohibits discrimination on the basis of disabilities.

I think my child may need a Section 504 Plan. Who should I contact?

You may start the process by contacting your child's school counselor or principal.

Is an evaluation required?

Yes. An evaluation of data from a variety of sources is required to determine if a student with a disability needs or is believed to need accommodations or related aids and services under Section 504. Evaluations must be sufficient in scope to address the areas of concern. A physician's diagnosis, standing alone, is not generally enough to establish a disability as defined by Section 504.

Who makes eligibility and accommodation decisions?

The Section 504 team is made up of those knowledgeable about the child, the meaning of the evaluation data, and placement options. The team makes evaluation and eligibility decisions and develops a plan of accommodations and services for students with disabilities who need accommodations, interventions, or related aids and services. Parents are members of the Section 504 team and are encouraged to actively participate in the referral to plan process.

What do Section 504 accommodations look like?

Section 504 planning most commonly focuses on identifying and implementing specific accommodations. Accommodations may be as simple as changes in daily schedule or as complex as using assistive technologies that address specific disabilities.

Accommodations need to take into account both the functional capabilities of the individual and the alternative methods of performing tasks or activities to allow the student to demonstrate his or her learning.

- Accommodations must be individualized and based on student needs.
- Accommodations must be reasonable.

Accommodations are intended to provide a student with a disability an equal opportunity to benefit from the programs of the school.

Is the district's Section 504 process available for me to review?

Yes. The district's Section 504 process and procedures are available online at:

- D49 policy: [d49.org/Page/48](https://www.d49.org/Page/48)
- IE 504: [d49.org/Page/7366](https://www.d49.org/Page/7366)

What are the disciplinary procedures for Section 504 disabled students?

Disciplinary procedures vary depending on if the suspension totals ten days or fewer or more than ten days. More details are available online at:

- IE 504 Discipline page: [d49.org/Page/7366](https://www.d49.org/Page/7366)